

REMARKS

Reconsideration and allowance of the application is respectfully requested. Claims 1-19 were in the application, claims 1-19 have been amended.

The examiner referred to the drawings as lacking the series of channels. However, these are shown on Fig. 1, designated as "C2, C3...CN", as also described on Page 6, lines 26-27. No drawing correction or claim amendment is believed to be required.

Claims 1-19 were rejected as having various indefinite terms. Each of claims 1-19 has been revised and amended to correct the listed deficiencies, as well as to improve clarity and this rejection has been rendered moot.

Claims 1-19 were rejected as being obvious over Cinotti, U.S. Patent No. 5,331,788, in view of Isani, U.S. Patent No. 5,600,935.

It is not within the framework of 35 USC §103 to pick and choose from the prior art only so much as will support a holding of obviousness to the exclusion of other parts necessary for a full appreciation of what the prior art teaches or suggests, as hindsight is not the test. In re Wesslau, 353 F.2d 238 (CCPA 1965). "Both the suggestion and the expectation of success must be found in the prior art, not in the applicant's disclosure". In re Dow Chemical Co., 837 F.2d 469 (Fed. Cir. 1988). "Citing references which merely indicate that isolated elements and/or features recited in the claims are known is not a sufficient basis for concluding that the combination of claimed elements would have been obvious. That is to say, there must be something in the prior art or a convincing line of reasoning in the answer suggesting the desirability of combining the reference in such a manner as to arrive at the claimed invention." Ex parte Hiyamzu, 10 USPQ 2d 1393 (POBA 1988).

The examiner believes that independent claims 1 and 12 would be obvious because "to use multiple conveyors to more securely and precisely hold and move the group of

① rolls...since...mere duplication of the essential working parts of a device involves only routine skill...".

However, the applicant's invention is not merely a "duplication" of working parts, rather it is a particular combination of components, that provides specific operational advantages.

The invention seeks to avoid too many changes in the direction of the group of rolls during wrapping. In accomplishing this, note that the elevator of Cinotti is avoided, in particular, a wrapping sheet is located on one side, right above the grouping station. The rolls are grouped in position before wrapping, at the same level of transportation to the sealing station, which would not be possible with the toothed conveyor of Cinotti.

Positioning the wrapping sheet to the side of the grouping station avoids a squared path (up and right) as in the device of Cinotti, thus allowing an increased production rate.

The grouped rolls are moved away either by the endless belts or by a lateral pusher, and there is no tooth equipped conveyor used to take the group of rolls to the sealing station.

② Certainly, there is no teaching or suggestion to support the combination of Cinotti with Isani, rather there is a teaching away from such a combination. Isani uses a quadrangle path to solve a different problem from the present invention. In Isani, cigarettes are moved in packs along a longitudinal path, and a pusher must be shifted out of the forward path of the cigarettes, in order to move back, and there is no gain in time, as the pusher must necessarily be shifted back for it to work.

In the claimed invention, the pusher can easily go back the same way as the forward motion, but then the delivery of the next group of rolls would be delayed. In Cinotti, the conveyor only goes in one direction, but during the arrival phase of the new set of teeth, the rolls cannot be grouped in position, which is why the elevator is necessary to group the rolls at another position and move them in between the teeth when the conveyor is in a dwell position and the

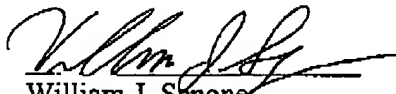
group has already been formed.

In essence each of the cited patents devices do not operate in the same way as the present invention, using a different assembly of components, and there is no teaching suggestion or incentive for providing the apparatus of the present invention. In particular, Cinotti fails to disclose the pusher with the quadrangular path, nor the use of endless belts to form upper and lower delimiting means, nor delimiting means which are movable to allow packed rolls to leave the grouping station.

Based upon the above amendments and remarks, favorable consideration and allowance of the application is respectfully requested. However, should the examiner believe that direct contact with the applicant's attorney would advance the prosecution of this application, the examiner is invited to telephone the undersigned at the number given below.

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